



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,536	09/28/2001	Takeyuki Amari	06753.0242-01	3270

22852 7590 03/28/2002

FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER LLP  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

BUI, HUNG S

ART UNIT	PAPER NUMBER
----------	--------------

2841

DATE MAILED: 03/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/964,536

Applicant(s)

AMARI ET AL.

Examiner

Hung S Bui

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 10 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 6-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Double Patenting***

1. Claims 1, 5 and 10 are provisionally rejected under 35 U.S.C 101 as claiming the same invention as that of claims 1, 5 and 10 of copending Application No. 09/366722. The double patenting rejection are withdrawn due to the provisional application 09/366722 are abandoned.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. David W. Hill on 01/29/2002.

Claim 2, line 2, "the space at a side of the second storage" should be correct – a space at a side of the second storage --.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2841

4. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 9-240381 in view of McMahan et al. [US 5,818,691].

Regarding claims 1 and 10, Japan 9-240381 discloses an audio rack (see figure 1) accommodating multiple types and sizes of electrical equipment.

Japan 9-240381 discloses the instant claimed invention except for the specific width sizes of electrical equipment and the rack being design to support the various widths.

McMahan et al. disclose an equipment support assembly (see figure 1) which a plurality of electrical equipment is removably installable comprising:

- a first storage location (60, see figure 1) accepting a first electrical equipment (12) for accommodating a first electrical equipment having a first width size;
- a second storage location (see figure 1) accepting a second electrical equipment (74) for accommodating a second electrical equipment having a second width size (see figure 1) that is smaller thana the first width size of the first electrical equipment in the first storage.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use that the equipment support assembly design of McMahan for the rack of Japan 9-240381, for the purpose of enabling accommodation of various equipment widths and heights.

Art Unit: 2841

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 9-240381, as modified, as applied to claim 1 above, and further in view of Sorcher [US 4,807,292].

Regarding claim 5, Japan 9-240381, as modified, discloses the instant claimed invention except for guide means provided on the inter surfaces of the storage locations for guiding the electrical equipment into place.

Sorcher discloses a storage location (14, see figure 1) for accepting electrical equipment having guide means (16) provided on an inter surface thereof.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the guide means design of sorcher in Japan 9-240381, for the purpose of aligning the electrical equipment in place.

#### ***Allowable Subject Matter***

6. Claims 2-4 and 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Joo [US 6,113,402].

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S Bui whose telephone number is (703) 305-8024. The examiner can normally be reached on Monday-Friday 8:30AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S. Martin can be reached on (703) 308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0956.

HB  
3/11/02

A handwritten signature in black ink, appearing to read 'D. Martin', with a stylized flourish at the end.

**David Martin  
Primary Examiner**